

HARDSHIP

WHAT IS LEGALLY REQUIRED?

ZONING BOARD OF APPEALS (ZBA)

To determine and vary the application of the zoning regulations, but only in harmony with the general purpose and intent of the regulations *and* only with respect to a parcel of land having unusual conditions, not generally encountered within the zoning district, which would make development in full accordance with the regulations extremely difficult. In legal terms, the conditions must be such as to cause “exceptional difficulty or unusual hardship.”

Variances of the zoning regulations may be granted only “in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions *especially affecting such parcel but not affecting generally the district* in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in *exceptional difficulty or unusual hardship* so that substantial justice will be done and the public safety and welfare secured.”

The courts have strictly interpreted the variance requirements set forth in C.G.S. Section 8-6, and they have sustained several appeals from decisions in which variances were improperly granted. Financial considerations are rarely a valid reason for issuing a variance; the possible economic advantage to the landowner is not sufficient. In addition, the fact that the proposed use will not be detrimental, and may even be beneficial, to the neighborhood is not sufficient. **The hardship must arise from the operation of the regulations on the *land*, not on the landowner, and the land must be “*peculiarly disadvantaged*” by the regulation for which a variance is sought.**

ZBA HEARING PROCESS

1. Verify your hearing date with Staff.
2. Arrive promptly at 7:30.

WHEN YOUR CASE IS ANNOUNCED AT THE HEARING BE SURE TO DO THE FOLLOWING:

3. Proceed to the podium.
4. Speak directly into the microphone & state your full name and address.
5. State your interest in the property: (Owner, Agent or Attorney, etc.)
6. As briefly as possible, explain what you perceive your property hardship is and describe what your proposed project is.
7. Offer to answer questions from Board members and wait for the final discussion.